

Board of Judicial Policy and Administration
Minutes
September 10, 2013

The Board of Judicial Policy and Administration met in Gillette, Wyoming on September 10, 2013. In attendance in person were Chief Justice Marilyn Kite, Justice Jim Burke, Justice Michael Davis, Judge Jeff Donnell, Judge Tom Campbell, Judge John Perry, Judge Robert Castor, Judge Wes Roberts, Judge Curt Haws, Georgia Tibbetts, Joann Odendahl, Ronda Munger, and Becky Craig.

Old Business

Committee Reports

Court Security Commission – Chief Justice Kite explained to the Board that a video was created that illustrates many of the violent events that have happened in court facilities around Wyoming and the nation, and that the video will be shown to the Judiciary, the Legislature, and other groups to help create a grass roots understanding of the security problems that the courts face. A draft of the video was viewed by the Board. The consensus of the group was that it was very good, but that a few minor changes should be made. Chief Justice Kite reported that Senator Bebout and the Joint Appropriations Committee proposed that a 10 million dollar fund be created for courthouse security. Judge Donnell reviewed a draft of the bill that establishes the Court Security Assistance Fund that will initially be created from these appropriated moneys. He explained that the purpose of this fund is to provide supplemental funding, through grants, to counties with the most limited financial resources. Grant monies are to be used for the purchase of security equipment or construction or modification of facilities containing a state court. The bill also creates a structure as to how the funds will be administered. Judge Castor moved and Judge Davis seconded a motion to support this effort and to urge that the bill be adopted. Judge Donnell will prepare the final draft of the bill that will be given to the Governor and legislative leadership.

CTAC – Joann Odendahl reported that the only District Courts that are not on WyUser are Laramie County and Natrona County, but that they are scheduled to go on the new system by the end of October. The calendaring and scheduling portion of the system that is being designed for the judges' chambers should be rolled out within the next two months. She explained that Steven Dreher will speak with the Judicial Assistants at their conference in Sheridan to detail the capabilities of this part of the new system. Joann also advised the Board that work is progressing on the Circuit Court case management system, and that the data that is in FullCourt is currently being reviewed to ensure that it will migrate into the correct fields in the new system.

Proposed Rule 3.1

Judge Haws updated the Board on the continuing discussion that the Circuit Court Judges' Conference is having regarding the proposed changes to the Circuit Court Civil Rules that would allow a plaintiff in a civil action to have a complaint and summons served on a

defendant before the complaint is filed with the court. He explained that the primary objective for this change is for the efficient administration of justice, but that it could also save a great deal of time for the clerks because they would no longer need to deal with lingering cases where service cannot be effected. Discussion was held on this matter. It was also pointed out that allowing service to be made before a case is filed would result in civil actions being more efficiently resolved within the requisite 210 day limit. Judge Campbell moved and Judge Castor seconded a motion to approve Rule 3.1, subject to it being sent to the Civil Division of the Permanent Rules Advisory Committee for review. Motion passed unanimously.

Mandatory Retirement Age

A brief discussion was held on this matter. Chief Justice Kite requested that this topic be put on the Board's June, 2014 Agenda.

Joint Judiciary Committee

Court Reporters – Chief Justice Kite indicated that the Joint Judiciary Committee addressed the topic of court reporters at their July meeting. She informed the Board that the judges who attended the meeting expressed the importance of having court proceedings recorded, and that a salary increase should be paid to court reporters who become certified as real time reporters. The Supreme Court is to report back to the Committee with information about the appropriate incentives for those individuals who obtain the certification. Chief Justice Kite reported that the judges who were present at the meeting also encouraged the Joint Judiciary Committee to eliminate the \$45.00 per day reporting fee that is currently required in civil proceedings. Discussion was held on this matter. Judge Campbell moved and Judge Castor seconded a motion to draft a bill to eliminate the \$45.00 reporting fee. Motion passed unanimously. Further discussion was held on matters concerning court reporters. Chief Justice Kite requested that the Court Reporter Committee develop a list of recommendations that they agree should be acted upon, and that those items then be addressed by both the Board and the District Judges. Judge Campbell noted that due to Judge Price's retirement, the District Judges' Conference will need to appoint someone to fill the vacancy on the Court Reporter Committee.

Jury Statute Changes – Chief Justice Kite explained that the Joint Judiciary Committee requested that the procedure for compiling jury lists be revised because of complaints that have been received from individuals who feel it is unfair that they were selected for their county's base jury list panel for successive years. Joann advised the Board that the names on the base jury list that the Supreme Court compiles for each county will now be tagged for one year so that those individuals cannot be selected for a jury list for the following year. She explained that during review of the jury statutes, it was also decided that the wording in the statute that instructs the clerks to pull names by hand from a box should be updated since the clerks now randomly select the prospective jurors from the base jury list. Joann circulated a draft of the statute changes to the Board members for their review. Judge Castor moved and Judge Roberts seconded the proposed changes to the jury statutes. Motion passed unanimously. Discussion was held on other changes that would possibly be beneficial to the jury statutes. A district judge, circuit judge, and Supreme Court justice from the Board will form a committee that will meet before the December meeting to discuss additional changes to the jury statutes that could be proposed as an interim committee study topic.

Rule 1 Initiative

Chief Justice Kite updated the Board on the efforts of the group of judges and lawyers who are working to devise ways to make civil and domestic relations litigation faster and more cost-effective. She related that the ideas that are being discussed on the civil side are limiting experts, encouraging up-front docket management, and proportionality. On domestic relations cases, the group has discussed the creation of a fast track that the parties could opt into where their case would be handled by a “special master.” Chief Justice Kite advised the Board that focus groups will be conducted of lawyers at the State Bar Meeting and at other meetings around the state, and that every district judge will be interviewed by a member of the committee for their input and advice.

New Business

Magistrate Salaries

Discussion was held about the amendments that were made in the last legislative session to two of the statutes that deal with full-time circuit court magistrate positions. Chief Justice Kite requested that the committee of Circuit Court Judges that is working to develop a policy to address vacancies in full-time magistrate positions be prepared to deliver its recommendations to the Board at the December meeting. Discussion was held on the formula that was adopted 12 year ago for the salaries of the full-time circuit court magistrates.

New Pro Se Packets

Attorney Amanda Roberts explained to the Board that she developed three new pro se packets to accompany the packets that are currently available on the Supreme Court’s website. Two of the proposed packets (for both the petitioner and respondent) deal with establishment of custody, visitation and child support in situations where the litigants are not married. The third packet deals with abatement of child support for non-custodial parents. Amanda noted that there are some minor corrections that need to be made to the packets before they are finalized. Discussion was held. Hard copies of the packets will be mailed to the district judges, law clerks, and judicial assistants for their review, along with a memo requesting that comments or suggestions be submitted to the Supreme Court. Justice Davis moved and Judge Haws seconded a motion that the Board of Judicial Policy and Administration recommend to the Supreme Court that the three new pro se packets be approved, subject to comments from the district courts. Motion passed unanimously. Amanda pointed out that the Initial Disclosures form, which is common throughout all of the pro se packets, refers to divorce actions, pre-decree proceedings, and post-decree proceedings. Since two of the new packets involve parties who are not married, she proposed that changes be made to Rule 26(a) to make it broader and less specific as to divorce actions. Judge Roberts moved and Judge Castor seconded a motion that the changes to Rule 26(a) be submitted to the Supreme Court for approval. Motion passed unanimously.

Electronic Proof of Insurance

Chief Justice Kite reviewed the revisions that were made in the last legislative session to the statutes that deal with proof of motor vehicle insurance. The new legislation allows a driver to carry a vehicle insurance identification card in an electronic format if both the insured and insurer agree to the issuance of the card in such a format, and if the electronic

version contains the same information that is required on the physical card. Discussion was held on this matter. The Circuit Court Judges on the Board will discuss this matter with their conference since many of the judges require a hard copy of the insurance card before they will dismiss a “no proof of insurance” citation.

Legislative Breakfast

Chief Justice Kite reminded the members of the Board that the Legislative Breakfast will be held on February 10, 2014.

Good of the Order

Chief Justice Kite expressed her disappointment at the lack of response she received from the judges and the Board to the idea of having the legislators in each judge’s area come into their court to observe how the courts operate. She requested that the judges develop ideas for a uniform statewide practice that would enable them to stay in contact with their legislators. Chief Justice Kite also asked the members of the Board to bring problems that they encounter or hear of to the BJPA meetings to enable the Board to act on them.

Meeting was adjourned.

Schedule of Future Meetings:

December 18, 2013 (videoconference) – New Date

March 12, 2014 (videoconference)

June 4, 2014 (videoconference)

September 9, 2014 (State Bar/Judicial Council Meeting)

December 3, 2014 (videoconference)

Approved by email on November 22, 2013

The Board of Judicial Policy and Administration’s meetings are not open to the public unless the Board, in its discretion, determines that a particular meeting or agenda item should be open to the public. The Board will disclose what is discussed at the meetings at its discretion.